



MEETING DATE: 11/04/14
ITEM NO: 8

COUNCIL AGENDA REPORT

DATE: OCTOBER 27, 2014

TO: MAYOR AND TOWN COUNCIL

FROM: GREG LARSON, TOWN MANAGER

A handwritten signature in black ink, appearing to read "Greg Larson", written over the printed name.

SUBJECT: CONSIDER REQUESTS FROM THE VETERANS MEMORIAL AND SUPPORT FOUNDATION OF LOS GATOS:

- A. APPROVE THE CONSTRUCTION OF THE VETERANS FOUNDATION OF LOS GATOS' DESIRED DESIGN FOR A "TRIBUTE TO FREEDOM" VETERANS MEMORIAL AT THE CIVIC CENTER. THIS WOULD INCLUDE THE UPPER DECK AREA AS WELL AS A WALKWAY FROM MAIN STREET TO THE CIVIC CENTER DECK.
- B. A \$20,000 GRANT TO PROCEED FURTHER WITH CONCEPTUAL DRAWINGS AND ENGINEERING VALIDATION
- C. THE WAIVER OF ANY PERMITTING FEES.

RECOMMENDATIONS:

- 1. Direct the Arts & Culture Commission to establish a Public Art Subcommittee as specified in the Public Art Selection Policy and Procedure (Resolution 2009-103);
- 2. Request the Public Art Subcommittee to consider the Veterans Foundation preferred design and alternative Civic Center locations for a future Veterans Memorial; and
- 3. Request that the recommended location be returned for Council consideration no later than June, 2015.

BACKGROUND:

The Veterans Memorial and Support Foundation of Los Gatos (VFLG) is a nonprofit 501(c)(3) foundation dedicated to honoring and supporting both U.S. military veterans, the men and women of the Army, Navy, Air Force, Marines and Coast Guard, and their families.

On Nov. 5, 2012 the Town Council considered requests from the VFLG to provide a Veterans Memorial at the Civic Center and to allocate \$20,000 of Pageant Grounds public art funding to incorporate public art as part of the Veterans Memorial (Attachment 1, 11/5/2012 Council Agenda Report).

Reviewed by: LRP Assistant Town Manager RWJ Town Attorney h Finance

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The Town Council's and public's consideration of the VFLG request are detailed in the approved Minutes for the Nov. 5, 2012 meeting (Attachment 2). The Town Council unanimously voted to:

"Authorize the Foundation to develop and submit for Council review and approval two to four proposals for the location and design of a Veteran's Memorial at the Los Gatos Civic Center, incorporating Pageant Grounds and/or the Civic Center deck, and/or the front lawn and flag poles."

On March 1, 2013, Town staff convened a Civic Center stakeholder brainstorming session with current and anticipated users of the Civic Center, including Music in the Park, Friends of the Library, Police Foundation, Fiesta des Artes, Museums of Los Gatos and the VFLG. The participants at that session described the upper deck of the Civic Center in generally uninviting terms (hot yet cold, barren, soul-less), but broadly recognized that it could be better utilized in a variety of ways as a gathering space, performance area, access point to Pageant Grounds (with a bridge) and/or a Veterans Memorial. The existing fountain on the upper deck is no longer in operation due to both drought conditions and the lack of health permits for that water feature as an "interactive fountain" allowing direct human contact with the water.

In March, 2014, the Town Council adopted two relevant Strategic Goals for 2014 – 16 which state:

- *Partner with the Veterans Committee to develop a Veterans Memorial in Los Gatos*
- *Develop plan to enhance the aesthetics and use of the Civic Center as a community resource*

DISCUSSION:

As detailed in the attached request and presentation from the VFLG (Attachment 3), the volunteers on the project have expended considerable time and energy in requesting and considering various artist proposals for establishing a Veterans Memorial in Los Gatos at the Civic Center.

The four artists' options considered by the VFLG all entail central use of the upper deck of the Civic Center, with the designs varying in terms of primary features (e.g. trellises vs a symbolic tree) and statuary (e.g., soldier, eagle, multiple figures).

The VFLG's preferred design consists of trellises around the perimeter of the existing fountain area with use of the fountain area itself for a military figure with an eagle and a symbolic 20 foot flame behind. The preferred design also incorporates new walkways from the front lawn flag poles, new lighting and signage, and four assorted wall mountings around the upper deck on the exterior walls of Police Headquarters, the Administrative Offices, and the future Museum.

Town staff have previously suggested a number of other possible Veterans Memorial locations for VFLG's consideration, including the Pageant Grounds, a bridge from the deck to the Pageant Grounds, the platform between the Administrative Offices and the Police Headquarters, the unutilized

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front corner of the upper deck overlooking the rose garden and lawn, and the unutilized lower area between Police Headquarters and the future Museum.

In 1992 the Town Council adopted Resolution 1992-78 specifying a Public Art Selection Policy and Procedure. Although rarely utilized, that Policy was amended by the Council in 2009 (Resolution 2009-103, Attachment 4)) to make the previously established Public Art Selection Panel a subcommittee of the Arts and Culture Commission with other procedural and public art criteria changes. The recent "Cats in the Trees" public art installation followed this Policy, while the public art in the new Library was exempted from the Policy as allowed under the Policy in Section II. SCOPE: "A separate process may be implemented for the installation of art work in a new Town facility or related to any Town construction project."

Potential environmental review and fiscal impacts related to VFLG's requests are included in later sections of this report.

ALTERNATIVES:

Besides or in addition to approving the recommendations above, the Council could choose to do any or all of the following:

1. Direct staff or the Public Art Subcommittee to convene another Civic Center stakeholder's session for the evaluation of Veterans Memorial locations and designs, including balanced representation from VFLG, Music in the Park, Fiesta des Artes, Friends of the Library, Police Foundation, and the New Museum of Los Gatos. Other possible participants or observers might include the Parks Commission, the Library Board, Historic Preservation Committee, the Planning Commission and/or the Arts & Culture Commission.
2. Direct staff to begin real property negotiations with VFLG for a long-term lease at the Civic Center for installation and maintenance of a Veterans Memorial, subject to Closed Session Council direction.
3. Waive the application of the Public Art Selection Policy and Procedure for the Veterans Memorial as "art work in a new Town facility" and/or "related to a Town construction Project."
4. Request the VFLG to return with one or more alternative Veterans Memorial locations at the Civic Center for subsequent Council consideration.
5. Direct staff to prepare appropriate budget modifications to cover some or all of the costs associated with the Town's review and permitting of a future Veterans Memorial, as well as any grant funding the Council would like to provide, for consideration at the Mid-Year Budget Review.

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CONCLUSION:

The Town Council and Town staff strongly support the establishment of a Veterans Memorial in Los Gatos, as reflected in the Town's Strategic Goals and past Council action and staff support. The final location and design will also need to respect and accommodate the other many and varied uses of the Civic Center, and an open and inclusive process will best assure those shared outcomes.

ENVIRONMENTAL ASSESSMENT:

The VFLG preferred design will likely require some degree of environmental review for some or all of the following features: lighting, aesthetics, traffic, parking and biotics. This review will likely include notice to potentially impacted residents on Cleland Avenue above the proposed Veterans Memorial, as well as other Civic Center tenants and neighbors.

FISCAL IMPACT:

Based on the legal requirements behind all land use and development fees, the Town has not waived such fees for other Town projects or efforts, including the new Library, reuse of the Old Library and the Creekside Sports Park. Instead, the Town has included the required funds to cover those fees in Town projects, or has negotiated split payment of those fees for leasehold interests (e.g., the Museums of Los Gatos). Any funding for grant support of the VFLG and/or fees for the Veterans Memorial would need to be approved by the Town Council, preferably during the Annual or Mid-Year Budget Review.

To date, the assumption has been that all costs for the construction and maintenance of any Veterans Memorial would be covered by private contributions rather than taxpayer funds through the Town.

Attachments:

1. Oct. 31, 2012 Veterans Memorial Council Agenda Staff Report
2. Approved Minutes from the Nov. 5, 2012 Town Council meeting
3. Proposal request from the Veterans Memorial and Support Foundation of Los Gatos dated October 30, 2014 (with Exhibits A & B)
4. Resolution 2009 – Public Art Selection Policy and Procedure

Distribution:

Veterans Memorial and Support Foundation of Los Gatos
Los Gatos Arts and Culture Commission
Library Board
Parks Commission
New Museum of Los Gatos (formerly the Museums of Los Gatos)
Friends of the Library
Los Gatos Music and Art
Police Foundation
Kiwanis Club (organizer of Fiesta des Artes)